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Paper No. 50205

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MAY 11 2005

In re Application of:

TSAI <i>et al.</i>	:	DECISION ON PETITION
Serial No.: 10/074,052	:	TO WITHDRAW HOLDING
Filed: February 14, 2002	:	OF ABANDONMENT
Attorney Docket No.: 4425-248	:	

This is a decision on the communication filed January 25, 2005. The communication has been treated as a petition to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. § 1.181. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee in response to a Notice of Allowance and Issue Fee Due. A Notice of Abandonment was mailed on January 03, 2005. The Notice of Abandonment is not clear as to which Notice of Allowance there was no response.

Petitioner asserts that a Notice of Allowance, which indicates the correct listing of the claims to be issued, has never been received. It is asserted that numerous attempts to get a corrected indication of the allowed claims have been made. Petitioner further asserts that additional attempts to contact the Office on, or after October 07, 2004, to discuss the allowed claims were unsuccessful. It is further asserted that the application should not be abandoned since the issue fee was previously paid on December 22, 2003.

A review of the file wrapper reveals that a Notice of Allowability mailed on July 07, 2004, indicated that claims 1-12 were allowed. A letter was filed on July 16, 2004, questioning the indication of allowed claims and indicating that a preliminary amendment had been filed which canceled those claims. The letter further indicated that claims 20-42 were pending in the application file. In response, another Notice of Allowability was mailed on October 07, 2004, indicated that claims 21-39 were allowed; however, a new Notice of Allowance was not mailed, and the period for response was not restarted.

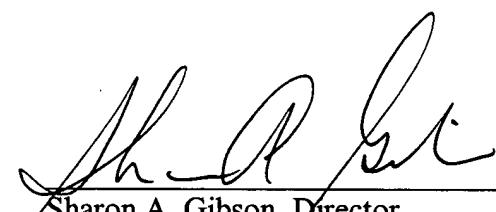
As a result, a clear indication of the allowed claims of the application was never conveyed to the applicant.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

Petitioner is reminded that even if the issue fee has been previously paid, and the Notice of Allowance and Issue Fee Due indicates that no fee is due, a response, including page 2 of the form, must be filed to avoid abandonment of the application.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the Notice of Allowability and a Notice of Allowance and Issue Fee Due. The statutory period for response set therein will be reset to run from the date the Notices are re-mailed. Extensions of time for these periods are not available. See 37 C.F.R. § 1.136(c), effective November 07, 2000.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



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